

Memorandum

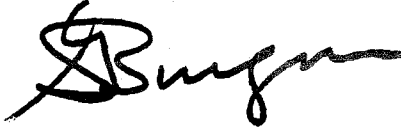
MIAMI-DADE
COUNTY

Date: January 20, 2005

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

Agenda Item No. 7(J)(1)(C)

From: George M. Burgess
County Manager



Subject: Resolution Approving an Exclusive Underground Electric Utility Easement at the Dadeland North Metrorail Station Joint Development Site

RECOMMENDATION

It is recommended that the Board approve an Exclusive Underground Electric Utility Easement at the Dadeland North Metrorail Station joint development site and authorize the County Manager to execute same. The Easement, granted to Florida Power and Light Company (FPL) by Miami-Dade County, would allow for exclusive use by FPL to install, operate and maintain an underground electric utility infrastructure to solely support the joint development project.

BACKGROUND

In April 1994, the Board approved the execution of a 90-year lease (the "Lease") between Miami-Dade County through Miami-Dade Transit ("Landlord") and Green Dadeland Station, Ltd. ("Tenant") for a retail and residential joint development project at the Dadeland North Metrorail Station site. The Lease commenced June 1994, was amended twice and is still in effect. The rent paid to Landlord by Tenant and subtenants for calendar year 2003 was \$400,000.

The Demised Premises (leased area) of the Lease contains multiple phases, two of which (Phases II and III) occupy contiguous land known as Parcels I and II. In 2003, Landlord consented to Tenant's assignment of all of its rights in Phase II (Parcel II) to Towers of Dadeland I, LLC. Tenant remains the lessee of Phase III (Parcel I).

This Exclusive Underground Electric Utility Easement ("Easement") will provide electrical service to both development phases. It is primarily located on Parcel II land and contains a spur to Parcel I land for electrical service to Tenant's future development. See attached Exhibit "A."

Currently under construction on the 1.26 acre Parcel II land is a 14-story residential complex with 110 apartments and 10 townhouse apartments, all at market rate rent. The complex, to include 7,000 square feet of storefront retail, should be completed by March 2005. Contemplated for the .87 acre Parcel I land is either one 200-unit residential complex or a 15-25 story, 100-120 unit residential building and a 15-25 story office building. Either scenario will be market rate rent for the residential component and will contain pedestrian-friendly storefront retail. Projected for construction in 2005, this phase would be completed in 2008.

FISCAL IMPACT

There is no negative fiscal impact to the County.



10/21/04

Surface Transportation Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: January 20, 2005

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(J)(1)(C)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(J)(1)(C)
01-20-05

RESOLUTION NO. _____

RESOLUTION APPROVING AN EXCLUSIVE
UNDERGROUND ELECTRIC UTILITY EASEMENT AT THE
DADELAND NORTH JOINT DEVELOPMENT LEASE SITE
AND AUTHORIZING THE COUNTY MANAGER TO
EXECUTE SAME AND EXERCISE ALL PROVISIONS
CONTAINED THEREIN

WHEREAS, this Board desires to accomplish the purposes outlined in the
accompanying memorandum, a copy of which is incorporated herein by reference,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board approves
an Exclusive Underground Electric Utility Easement at the Dadeland North Joint
Development site, granted to Florida Power and Light Company by Miami-Dade
County, to install, operate and maintain an underground electric utility infrastructure
to solely support the joint development project lying and being in Tracts "C" and "D"
of Dadeland North Metrorail Station, Plat Book 147 Page 55, in substantially the form
attached hereto and made a part hereof, and authorizes the County Manager to
execute same for and on behalf of Miami-Dade County and to exercise all provisions
contained therein.

The foregoing resolution was offered by Commissioner
who moved its adoption. The motion was seconded by Commissioner
and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	
Dennis C. Moss, Vice-Chairman	
Bruno A. Barreiro	Dr. Barbara Carey-Shuler
Jose "Pepe" Diaz	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Dorin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	


The Chairperson thereupon declared the resolution duly passed and adopted this
20th day of January, 2005. This Resolution and contract, if not vetoed, shall become
effective in accordance with Resolution No. R-377-04.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as
to form and legal sufficiency.

Bruce Libhaber

By:  Deputy Clerk

Instrument prepared by and return to
Miami-Dade County
Bruce Libhaber, Esq.
Assistant County Attorney
111 N.W. 1st Street, Suite 2700
Miami, FL 33128-1993

User Department: Miami-Dade Transit

Portions of:
30-4035-038-0030 Tract "C" and
30-4035-038-0040 Tract "D"
Section 35 54 S 40 E
Dadeland North Metrorail Station
PB 147-55

EXCLUSIVE UNDERGROUND ELECTRIC UTILITY EASEMENT

STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE)

THIS EASEMENT, Made this _____ day of _____, A.D. 20____, by and between **MIAMI-DADE COUNTY**, a political subdivision of the State of Florida, and its successors in interest, whose Post Office address is 111 N.W. 1st Street, Miami, Florida 33128-1993, party of the first part, and **FLORIDA POWER AND LIGHT COMPANY.**, a Florida corporation, whose place of business is 4200 West Flagler Street, Miami, Florida 33134, party of the second part,

WITNESSETH:

That the said party of the first part, for and in consideration of the sum of One Dollar (\$1.00) to it in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, and for other and further good and valuable considerations, does hereby grant unto the party of the second part, its successors and assigns, an easement to enter upon, construct, operate and maintain an underground electric utility infrastructure and appurtenances thereto, to be installed from time to time, with the right to reconstruct, improve, add to, enlarge, change the voltage, as well as the size of and remove such facilities or any of them within all those lots, pieces, parcels or strips of land situate, lying and being in Tracts "C" and "D" of DADELAND NORTH METRORAIL STATION, as recorded in Plat Book 147 Page 55 of the Public Records of Dade County (now Miami-Dade County), Florida, the same as more fully described in the Sketch to Accompany Legal Description dated September 20, 2004, to wit:

**AS LEGALLY DESCRIBED IN EXHIBIT "A"
ATTACHED HERETO AND MADE A PART HEREOF**

IN WITNESS WHEREOF, the said party of the first part has caused these presents to be executed in its name by its Board of County Commissioners, acting by the County Manager, and attested to by the Clerk of the Deputy Clerk of said Board, the day and year first above written.

(OFFICIAL SEAL)

**MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS**

By: _____
County Manager

**ATTEST:
HARVEY RUVIN,
CLERK OF SAID BOARD**

By: _____
Deputy Clerk

The foregoing was accepted and approved on the _____ day of _____, A.D. 2004, by Resolution No. _____ of the Board of County Commissioners of Miami-Dade County, Florida, a political subdivision of the State of Florida.

**ARTICLE VI
SURVEYOR'S CERTIFICATE:**

I HEREBY CERTIFY: THAT THIS "SKETCH TO ACCOMPANY LEGAL DESCRIPTION" WAS PREPARED UNDER MY DIRECTION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND FURTHER, THAT SAID SKETCH AND THE DOCUMENTATION APPENDED THEREIN MEETS THE INTENT OF THE APPLICABLE PROVISIONS OF THE "MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA," PURSUANT TO RULE 61G17-6 OF THE FLORIDA ADMINISTRATIVE CODE AND ITS IMPLEMENTING LAW, CHAPTER 472.027 OF THE FLORIDA STATUTES.

PBS&J, A FLORIDA CORPORATION
FLORIDA CERTIFICATE OF AUTHORIZATION NO. LB24

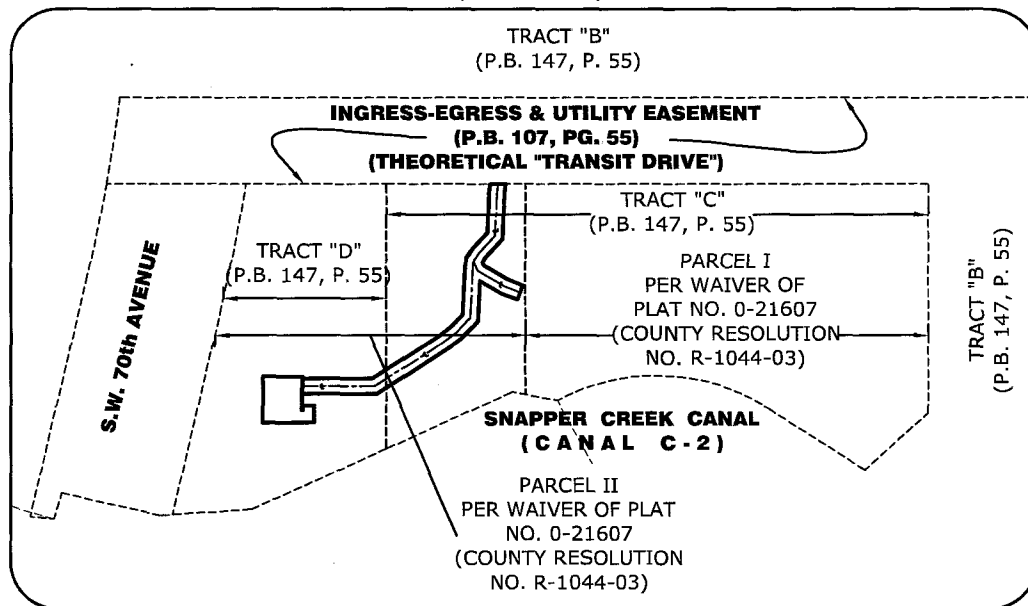
BY: _____ {SURVEYOR'S OFFICIAL SEAL}
CARLOS M. DEL VALLE, PLS
PROFESSIONAL LAND SURVEYOR NO. 4408
STATE OF FLORIDA
DATE OF CERTIFICATION: SEPTEMBER 20, 2004

NOTICE: NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS OR DELETIONS TO SURVEY MAPS AND REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES ARE PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES. THIS DOCUMENT CONSISTS OF MULTIPLE EXHIBITS, GRAPHICS AND REPORTS AND EACH PAGE AND COMPONENT THEREOF SHALL NOT BE CONSIDERED FULL, VALID AND COMPLETED UNLESS APPENDED TO THE OTHERS. THIS NOTICE IS REQUIRED PURSUANT TO RULE 61G17-6 OF THE FLORIDA ADMINISTRATIVE CODE.

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LOCATION MAP

(NOT TO SCALE)



NOT A FIELD SURVEY

THIS DOCUMENT CONSISTS OF FIVE (5) SHEETS AND EACH SHEET SHALL NOT BE CONSIDERED FULL, VALID AND COMPLETE UNLESS ATTACHED TO THE OTHER.

X:\PROJECTS\TOWERS OF DADELAND - THE GREEN COMPANIES\01-1120-02 TOWERS OF DADELAND\01-1120-02 0001\deg\01-1120-02 FPL EASEMENT.dwg 9/20/2004 11:29:44 AM EDT

SHEET 5 OF 5



2001 N.W. 107th AVE.
MIAMI, FL 33172-2507
(305) 592-7275

FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER LB24

TOWERS OF DADELAND

SKETCH TO ACCOMPANY
LEGAL DESCRIPTION

DATE: 09-20-2004

DESIGNED: J.C.FDEZ

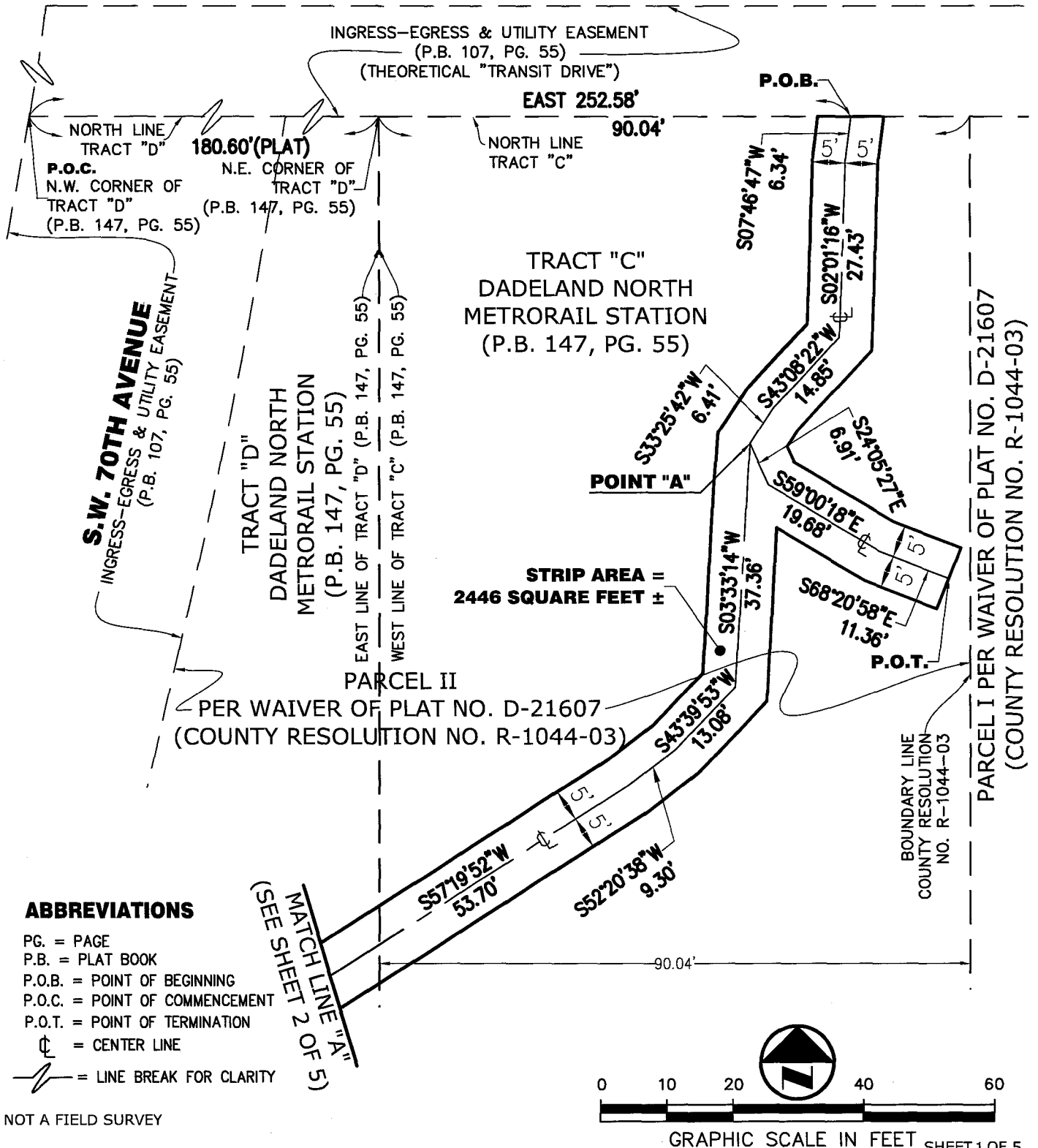
DRAWN: J.C.FDEZ

CHECKED: D.W.DEANS

JOB NO.: 01-1120.02

EXHIBIT "A"

THIS DOCUMENT CONSISTS OF FIVE (5) SHEETS AND EACH SHEET SHALL NOT BE CONSIDERED FULL, VALID AND COMPLETE UNLESS ATTACHED TO THE OTHER.

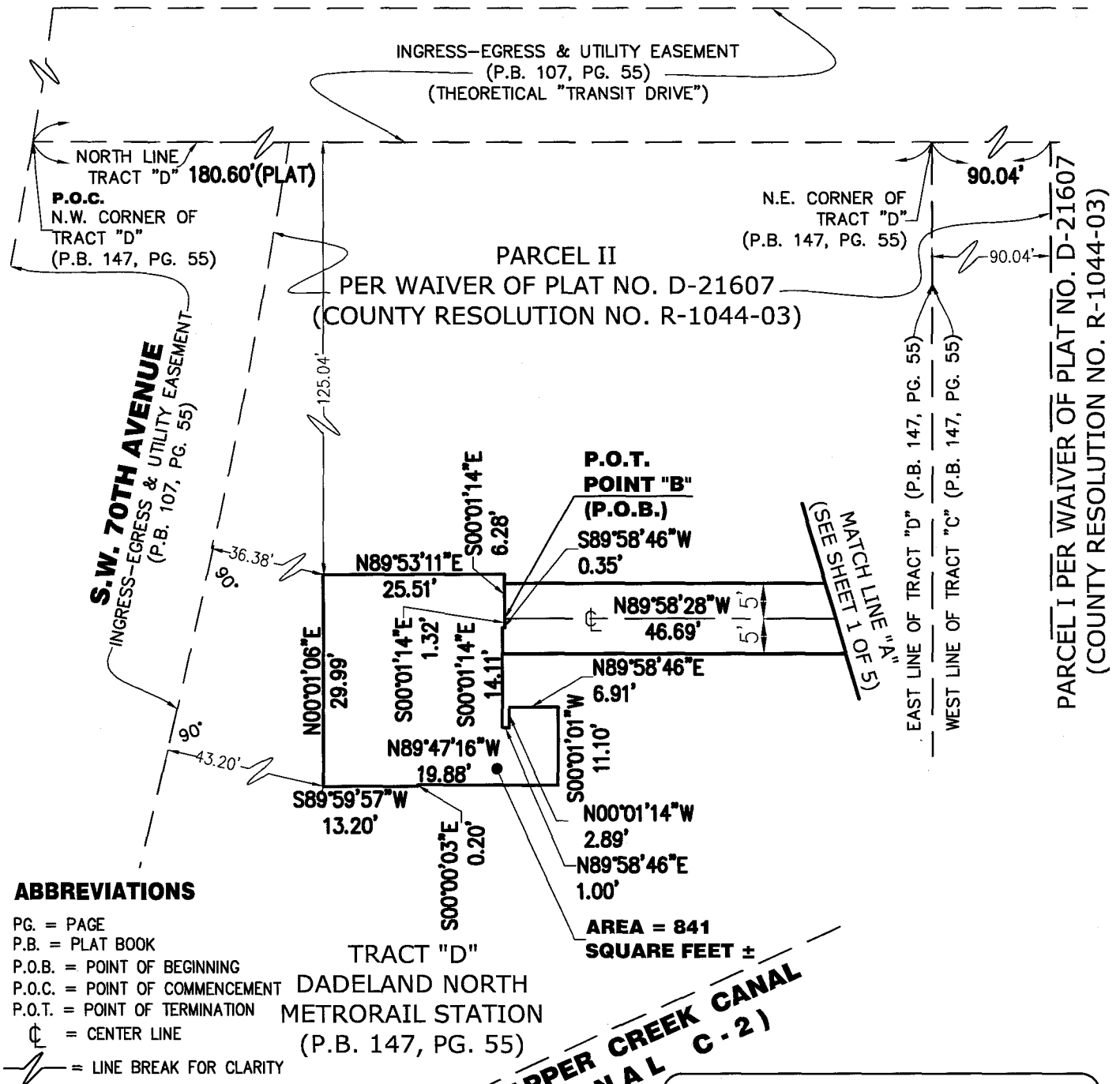
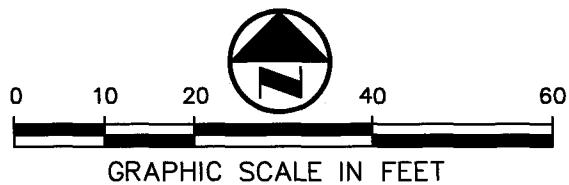


PBSJ 2001 N.W. 107th AVE.
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CHECKED: D.W.DEANS
JOB NO.: 01-1120.02



ABBREVIATIONS

PG. = PAGE
P.B. = PLAT BOOK
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
P.O.T. = POINT OF TERMINATION
CL = CENTER LINE
= LINE BREAK FOR CLARITY

NOT A FIELD SURVEY

SHEET 2 OF 5



2001 N.W. 107th AVE.
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SKETCH TO ACCOMPANY
LEGAL DESCRIPTION

DATE: 09-20-2004

DESIGNED: J.C.FDEZ

DRAWN: J.C.FDEZ

CHECKED: D.W.DEANS

JOB NO.: 01-1120.02

REPORT OF SKETCH TO ACCOMPANY LEGAL DESCRIPTION AT THE TOWERS OF DADELAND SITE MIAMI-DADE COUNTY, FLORIDA

ARTICLE I

DEFINITIONS, GENERALLY:

CLIENT: SHALL MEAN THE GREEN COMPANIES.

SKETCH: SHALL MEAN THE GRAPHIC DEPICTION OF THE MAP MADE A PART HEREOF AND INCORPORATED HEREIN, REFERENCE TO WHICH IS MADE FOR A MORE FULL AND COMPLETE DESCRIPTION THEREOF.

SUBJECT PROPERTY: SHALL MEAN ALL THAT LOT, PIECE OR PARCEL OF LAND INDICATED IN THE LEGAL DESCRIPTION PORTION OF THIS DOCUMENT, REFERENCE TO WHICH IS MADE FOR A MORE FULL AND COMPLETE DESCRIPTION THEREOF.

COUNTY: SHALL MEAN MIAMI-DADE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, THE NAME OF WHICH WAS CHANGED FROM "DADE COUNTY" BY ITS ELECTORS ON NOVEMBER 13, 1997 AND CODIFIED BY ITS BOARD OF COUNTY COMMISSIONERS PURSUANT TO COUNTY ORDINANCE NUMBER 97-212. ALL REFERENCES TO INSTRUMENTS RECORDED PRIOR TO THAT DATE SHALL REFER TO THE PREVIOUS COUNTY NAME AND CONVERSELY, ALL REFERENCES TO INSTRUMENTS RECORDED SUBSEQUENT TO THAT DATE (OR MENTION BY COMMON REPORT, AS THE CASE MAY BE) SHALL REFER TO THE PRESENT COUNTY NAME.

ARTICLE II

LEGAL DESCRIPTION

ALL THAT LOT, PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN SECTION 35, TOWNSHIP 54 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING A PORTION OF TRACTS "C" AND "D" OF "DADELAND NORTH METRORAIL STATION," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 147 AT PAGE 55 OF THE PUBLIC RECORDS OF DADE COUNTY (NOW MIAMI-DADE COUNTY), FLORIDA, CONSISTING OF A STRIP OF LAND 10.00 FEET IN WIDTH, LYING 5.00 FEET ON EACH SIDE OF THE CENTERLINE OF WHICH IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, VIZ.:

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT "D;" THENCE EAST ALONG THE NORTH LINES OF SAID TRACTS "D" AND "C" FOR 252.58 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED CENTERLINE OF THE AFOREMENTIONED 10.00 FEET WIDE STRIP OF LAND; FROM SAID POINT OF BEGINNING AND DEPARTING SAID NORTH LINE OF TRACT "C," THENCE ALONG SAID CENTERLINE FOR THE FOLLOWING COURSES; THENCE S07°46'47"W FOR 6.34 FEET; THENCE S02°01'16"W FOR 27.43 FEET; THENCE S43°08'22"W FOR 14.85 FEET; THENCE S33°25'42"W FOR 6.41 FEET TO POINT "A"; THENCE S03°33'14"W FOR 37.36 FEET; THENCE S43°39'53"W 13.08 FEET; THENCE S52°20'38"W FOR 9.30 FEET; THENCE S57°19'52"W FOR 53.70 FEET; THENCE N89°58'28"W FOR 46.69 FEET TO POINT "B" AND THE POINT OF TERMINATION OF SAID CENTERLINE, WITH ALL SIDELINES OF THE AFOREMENTIONED STRIP OF LAND BEING OR SHORTENED TO FORM ONE CONTINUOUS PARCEL OF LAND;

TOGETHER WITH:

ALL THAT LOT, PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN SECTION 35, TOWNSHIP 54 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING A PORTION OF TRACT "C" OF "DADELAND NORTH METRORAIL STATION," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 147 AT PAGE 55 OF THE PUBLIC RECORDS OF DADE COUNTY (NOW MIAMI-DADE COUNTY), FLORIDA, CONSISTING OF A STRIP OF LAND 10.00 FEET IN WIDTH, LYING 5.00 FEET ON EACH SIDE OF THE CENTERLINE OF WHICH IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, VIZ.:


BEGIN AT THE AFOREMENTIONED POINT "A;" THENCE ALONG THE CENTERLINE OF THE AFOREMENTIONED 10.00 FEET WIDE STRIP OF LAND FOR THE FOLLOWING COURSES; THENCE S24°05'27"E FOR 6.91 FEET; THENCE S59°00'18"E FOR 19.68 FEET; THENCE S68°20'58"E FOR 11.36 FEET TO THE POINT OF TERMINATION OF SAID CENTERLINE, WITH ALL SIDELINES OF THE AFOREMENTIONED STRIP OF LAND BEING LENGTHENED OR SHORTENED TO FORM ONE CONTINUOUS PARCEL OF LAND;

NOT A FIELD SURVEY

THIS DOCUMENT CONSISTS OF FIVE (5) SHEETS AND EACH SHEET SHALL NOT BE CONSIDERED FULL, VALID AND COMPLETE UNLESS ATTACHED TO THE OTHER.

X:\PROJECTS\TOWERS OF DADELAND - THE GREEN COMPANIES\01-1120-02 TOWERS OF DADELAND\01-1120-02 0001\dwg\01-1120-02 FPL EASEMENT.dwg 9/20/2004 11:29:14 AM EDT

SHEET 3 OF 5

 2001 N.W. 107th AVE. MIAMI, FL 33172-2507 (305) 592-7275 FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER LB24	TOWERS OF DADELAND	DATE: 09-20-2004
	SKETCH TO ACCOMPANY LEGAL DESCRIPTION	DESIGNED: J.C.FDEZ DRAWN: J.C.FDEZ CHECKED: D.W.DEANS JOB NO.: 01-1120.02

TOGETHER WITH:

ALL THAT LOT, PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN SECTION 35, TOWNSHIP 54 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING A PORTION OF TRACT "D" OF "DADELAND NORTH METRORAIL STATION," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 147 AT PAGE 55 OF THE PUBLIC RECORDS OF DADE COUNTY (NOW MIAMI-DADE COUNTY), FLORIDA, THE SAME BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, VIZ.:

BEGIN AT THE AFOREMENTIONED POINT "B;" THENCE S00°01'14"E FOR 1.32 FEET; THENCE S89°58'46"W FOR 0.35 FEET; THENCE S00°01'14"W FOR 14.11 FEET; THENCE N89°58'46"E FOR 1.00 FEET; THENCE N00°01'14"W FOR 2.89 FEET; THENCE N89°58'46"E FOR 6.91 FEET; THENCE S00°01'01"W FOR 11.10 FEET; THENCE N89°47'16"W FOR 19.88 FEET; THENCE S00°00'03"W FOR 0.20 FEET; THENCE S89°59'57"W FOR 13.20 FEET; THENCE N00°01'06"E FOR 29.99 FEET; THENCE N89°53'11"E FOR 25.51 FEET; THENCE S00°01'14"E FOR 6.28 FEET TO THE POINT OF BEGINNING.

**ARTICLE III
SOURCES OF DATA:**

THE LEGAL DESCRIPTION AS CITED UNDER ARTICLE II WAS CREATED BASED ON THE FOLLOWING DATA:

THE RECORDED PLAT OF "DADELAND NORTH METRORAIL STATION," AS RECORDED IN PLAT BOOK 147 AT PAGE 55.

BEARINGS AS SHOWN HEREON REFER TO A BEARING OF WEST ALONG THE NORTHERLY LINE OF TRACT "C" AS SHOWN IN PLAT BOOK 147 AT PAGE 55.

MIAMI-DADE COUNTY RESOLUTION NO. R-1044-03. THIS IS A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY APPROVING THE DIVISION OF LAND FOR THE UNDERLYING TRACT "C" AND TRACT "D" WITHOUT PLAT.

**ARTICLE IV
LIMITATIONS:**

THE CLIENT IS HEREBY ADVISED THAT THERE MAY BE LEGAL RESTRICTIONS ON THE SUBJECT PROPERTY THAT ARE NOT SHOWN ON THE SKETCH OR CONTAINED WITHIN THIS REPORT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, OR THE RECORDS OF ANY OTHER PUBLIC AND PRIVATE ENTITIES AS THEIR JURISDICTIONS MAY APPEAR.

THIS "SKETCH TO ACCOMPANY LEGAL DESCRIPTION" DOES NOT REPRESENT A FIELD BOUNDARY SURVEY OF THE PROPERTY DESCRIBED IN ARTICLE II OR THE UNDERLYING TRACTS OF LAND THEREOF. THE DIMENSIONS AS DEPICTED ON THE SKETCH AND CITED IN THE LEGAL DESCRIPTION MAY BE SUBJECT TO ADJUSTMENT AS AN ACCURATE FIELD SURVEY OF THE SUBJECT PROPERTY MAY REVEAL.

THIS DOCUMENT WAS CREATED FOR THE EXPRESS PURPOSE OF CREATING A UTILITY EASEMENT FOR THE FLORIDA POWER & LIGHT CO.

**ARTICLE V
CLIENT INFORMATION:**

THIS "SKETCH TO ACCOMPANY LEGAL DESCRIPTION" WAS PREPARED AT THE INSISTENCE OF:


THE GREEN COMPANIES
9155 SOUTH DADELAND BOULEVARD
SUITE 1812
MIAMI, FLORIDA 33156

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NOT A FIELD SURVEY

SHEET 4 OF 5

X:\PROJECTS\TOWERS OF DADELAND - THE GREEN COMPANIES\01-1120-02 TOWERS OF DADELAND\01-1120-02 0001.dwg\01-1120-02 FPL EASEMENT.dwg 9/20/2004 11:29:44 AM EDT

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